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In re Application of
Fox, et al.
Application No. 10/782,018
Filed: February 19, 2004
Attorney Docket No. BHA/017

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed February 13, 2008, requesting that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the non-final Office action, mailed July 11, 2007, which set forth an extendable three (3) month period for reply. The Office contended that this application became abandoned on October 12, 2007 for failure to reply to the July 11, 2007 non-final Office action. A Notice of Abandonment was mailed on January 16, 2008.

Petitioners request withdrawal of the holding of abandonment based on the assertion that a request for a three month extension of time and an amendment were timely received in the Office on January 11, 2008. The undersigned finds this argument completely convincing, as these documents are present in the application file and Office financial records shows that the required three month extension of time fee was charged on January 14, 2008. The mailroom date for the payment was January 11, 2008. Therefore, the three month extension of time and amendment were timely filed.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the January 16, 2008 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

Accordingly, the application file will be forwarded to Technology Center A.U. 3611 for consideration of the amendment filed on January 11, 2008.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, reading "Shirene Willis Brantley". The signature is written in a cursive style with a horizontal line underneath the name.

Shirene Willis Brantley
Senior Petitions Attorney
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Office of the Deputy Commissioner
for Patent Examination Policy